2014

Sex Radical: Victoria Woodhull and the Marriage Contract, 1870-1876

Peter Dottling Rich
University of South Carolina - Columbia

Sex Radical: Victoria Woodhull and the Marriage Contract, 1870-1876

by

Peter Rich

Bachelor of Arts
University of South Carolina, 2010

Submitted in Partial Fulfillment of the Requirements

For the Degree of Master of Arts in

History

College of Arts and Sciences

University of South Carolina

2014

Accepted by

Marjorie J. Spruill, Director of Thesis

Lawrence B. Glickman, Reader

Lacy Ford, Vice Provost and Dean of Graduate Studies

Abstract

From 1870 to1876 radical American feminist Victoria Claflin Woodhull had a dramatic public impact. At that time Woodhull was simultaneously the public face of three major social movements (woman suffrage, free love and Spiritualism), the owner of a brokerage firm, and the publisher of a radical weekly newsletter. Yet Woodhull is now largely absent from the popular narrative of nineteenth-century American history. Her radical views, charismatic personality, and unorthodox personal life resulted in demonization by a scandal-hungry popular press and persecution by the state-sanctioned, morals crusader, Anthony Comstock. Although In the past two decades a number of feminist historians and writers have restored Woodhull to historical prominence in women's history, they have failed to consider her intellectual gifts and contributions seriously enough. Woodhull is most profitably considered as an important feminist thinker whose radical ideas on political, economic and social issues uniquely contributed to Reconstruction era public discourse.

Table of Contents

Chapter One: The Woodhull

From 1870 to1876 radical American feminist Victoria Claflin Woodhull had a dramatic public impact.[1] At that time Woodhull was simultaneously the public face of three major social movements (woman suffrage, free love and Spiritualism), the owner of a brokerage firm, and the publisher of a radical weekly newsletter.[2] In the 1870s she also became the first woman to testify before the House Judiciary Committee and the first woman to run for President.[3]

Yet Woodhull is now largely absent from the popular narrative of nineteenth-century American history. Her radical views, charismatic personality, and unorthodox personal life resulted in demonization by a scandal-hungry popular press and persecution by the state-sanctioned, morals crusader, Anthony Comstock. Comstock was the head of the Young Men's Christian Association's Committee for the Suppression of Vice and a special agent for the United States Postal Service.[4] On November 2, 1872 Comstock arrested Woodhull on an obscenity charge. The charge was related to the November 2,

---

[1] Cathy Gutierrez, "Sex in the City of God: Free Love and the American Millennium," *Religion and American Culture* 15 (Summer 2005): 187.re

2 Mary Gabriel, *Notorious Victoria* (Chapel Hill: Algonquin Books of Chapel Hill, 1998), 1-3.

3 Ibid., 4.

4 Lois Beachy Underhill, *The Woman Who Ran For President: The Many Lives of Victoria Woodhull* (Bridgehampton: Bridge Works Publishing Co., 1995), 228-237.

1872 issue of her weekly newsletter in which she famously exposed Henry Ward Beecher, one of the best known and most admired pastors in America, as an adulterer.[5]

Woodhull was ultimately acquitted of this charge and many others, but the attendant publicity alienated the feminist reformers of her time, and left her, in the words of one biographer, "discredited, bankrupt, and abandoned."[6] At one point feminist icons Elizabeth Cady Stanton and Susan B. Anthony once lavished on Woodhull their highest praise. Stanton, referencing her work on suffrage, noted that "Woodhull has done a work for women that none of us could have done."[7] Anthony wrote to Woodhull, "bless you dear soul for all you are doing to help strike the chains from woman's spirit."[8] Yet Woodhull did not earn even a mention in the index when those two legends compiled their epic and influential account of the nineteenth-century women's movement, the *History of Woman Suffrage*.[9]

In the past two decades a number of feminist historians and writers have restored Woodhull to historical prominence in women's history, celebrating her outspoken defense of female sexuality in defiance of Victorian mores and

---

[5] Ibid., 228-229.
[6] Ibid., 4.
[7] Ellen Carol DuBois, "Outgrowing the Compact of the Fathers: Equal rights, Woman Suffrage, and the United States Constitution, 1820-1878" *The Journal of American History* 74 (1987): 857
[8] Gabriel, *Notorious,* 87
[9] Ibid., 4.
[10] Eric Foner, *Reconstruction, America's Unfinished Revolution. 1863-1877* (New York: Perennial Classics 2002) 520. Feminist historians who have recovered Woodhull include Ellen Carol DuBois, Helen Horowitz, Amanda Frisken and Cari M. Carpenter. Writers include Lois Beachy Underhill, Mary Gabriel and Barbara Goldsmith

portraying her as ahead of her times.[10] Yet, they have failed to consider her intellectual gifts and contributions seriously enough. Woodhull is most profitably considered as an important feminist thinker whose radical ideas on political, economic and social issues uniquely contributed to Reconstruction era public discourse.

This study undertakes an analysis of the content of Woodhull's free love speeches, free love meaning sexual activity absent formal or legal ties. These speeches are critical to understanding her vision for a new social order. Woodhull's primary subjects in these speeches included gender equality, individual sovereignty, sexual freedom, the marriage contract, marital rape, prostitution and the care of children. Her controversial ideas on marriage and childrearing, presented in detail later in this study, set her apart from the other feminist leaders of her day. Her ideas were well known largely because of her public addresses. Woodhull lived in an era that predated radio and television, and public lecturing for a fee was a common and lucrative means of making a living. These lectures drew large audiences. Woodhull was known as "Queen of the Rostrum," and arguably one of the most widely heard women in America.[11]

Victoria Claflin was born on September 23, 1838 in a wooden shack overlooking a small town hidden in the hills and fields of Ohio.[12] Her father, Buck, was a man of poor reputation, whose alleged crimes included "theft,

---

[11] Amanda Frisken, *Victoria Woodhull's Sexual Revolution*, Political Theater and the Popular Press in Nineteenth Century America(Philadelphia: University Pennsylvania Press, 2004),120.
12 Gabriel, *Notorious*, 7.
13. Ibid., 8.

counterfeiting, and arson."[13] Her mother Roxanna had given herself up to religious visions and the attendant angels and demons. Victoria, the seventh of ten children, received virtually no formal education. As youngsters, she and her siblings toured the Midwest in the 1840s and 1850s with Buck Clayton's traveling tent show, which dispensed elixirs of life and cancer cures, and featured fortune-telling and palm-reading.[14] Victoria and her equally precocious sister Tennessee (Tennie) brought in considerable amounts of money as clairvoyants, Spiritualists and "magnetic physicians," an unconventional but popular practice of healing, often performed by women, who claimed they could cure all manner of ills endured by patients by serving as the conduit for invisible magnetic rays administered through touch.[15]

At the age of fifteen Victoria Claflin married her doctor, Canning Woodhull, who soon revealed himself to be an abusive alcoholic. At the age of sixteen, Victoria gave birth to a severely retarded son, Byron, whose condition she attributed to her husband's drinking.[16] Years later, still trapped in a loveless marriage to Woodhull, Victoria had another child, a daughter, Zula Maud, born

---

14 Madeleine B. Stern, "Biographical Introduction," in *The Victoria Woodhull Reader*, ed. Madeleine B. Stern (Weston, M & S Press, 1974), 1.
15 T.J.Stiles, *The First Tycoon: The Epic Life of Cornelius Vanderbilt,* (New York: Alfred A. Knopf, 2009), 484.
16 Gabriel, *Notorious*, 8-11, 13-14.

April 28, 1861. Woodhull's radical ideas about marriage and motherhood were derived in part from her personal experiences with those institutions.

The Civil War years found Woodhull, needing money, reunited with her dysfunctional family, and working as an active participant in her father's latest traveling medicine show, then touring the war-ravaged South.[17] She had been supporting her children and her alcoholic husband for years. In 1864, Woodhull encountered Colonel James Harvey Blood, a radical reformer, free lover and Spiritualist. Blood would serve as her first real teacher, introducing her to ideas supporting women's political, social and economic equality.[18] Woodhull proved to be an apt and willing student. She divorced her husband and married Blood in 1866.[19]

In 1868 Woodhull moved into a house at 17 Great Jones St. in New York City with a revolving cast of characters including Blood and her two children, her parents, sister Tennie, numerous other siblings and their families, and her former husband, Canning Woodhull, now in failing health.[20] Victoria and Tennie found a champion in then seventy-three-year-old Cornelius Vanderbilt, a wealthy shipping and railway mogul, who was well known in the Spiritualist community for his efforts to communicate with his dead parents and preference for magnetic healers over medical doctors.[21] Buck Clayton managed to persuade Vanderbilt to engage his daughters' services and Victoria and Tennie were able to satisfy him

---

17 Ibid., 23
18 Ibid., 29.
19 Ibid.
20 Ibid., 32
21 Ibid., 33-34

on all counts. He and then twenty-two-year old Tennie were widely reported to be lovers.[22]

By 1870, Vanderbilt's stock market advice provided the fortune Woodhull would use to fund two enterprises that would garner for the sisters national attention, although Vanderbilt was careful to distance himself from both enterprises.[23] On January 22, 1870, Woodhull, Claflin &Co., the first Wall Street brokerage firm owned by women, opened for business.[24] On May 22nd, 1870, the first issue of the radical newsletter *Woodhull and Claflin's Weekly* hit the newsstands.[25] A joint venture of the sisters and Blood, the paper would run intermittently until June 10, 1876.

The brokerage facilitated Woodhull's introduction to the important financial leaders of the day, and the newsletter facilitated her introduction to the important New York City thinkers of the day, including Stephen Pearl Andrews. Andrews, a brilliant, eccentric veteran of numerous nineteenth-century reform movements including abolitionism, free love and labor, would serve as Woodhull's other important mentor. Blood and Andrews made meaningful contributions to both the newsletters and Victoria's early lectures, through which she soon became well known.[26]

It is difficult if not impossible for contemporary readers to understand the importance of speechmaking to nineteenth-century Americans. As historian Richard Wightman Fox has pointed out, "We must try to imagine a culture without

---

[22] Gabriel, *Notorious*, 20.
[23] Stiles, *The First*, 505.
[24] Gabriel, *Notorious*, 42.
[25] Ibid., 58-59.
[26] Stern, "Biographical," 5.

television, without radio, without films, without microphones, but with a love of the written and spoken word - secular as well as religious."[27] There were any number of forums for speechmaking, including sermons, the lecture circuit and political rallies. There were also any number of purposes for speechmaking, including education, inspiration and entertainment.[28]

From 1870 to 1876, the period of this study, Woodhull made major speeches revealing her radical thinking on the marriage question and a number of other subjects including political theory and economics.[29] She became famous, or infamous, for her views on free love.[30] All of Woodhull's controversial public pronouncements in America, both speeches and writings, took place within that very narrow time frame.

When the November 2, 1872 issue of *Woodhull and Claflin's Weekly* featured an article entitled "The Beecher-Tilton Scandal Case," a media firestorm erupted that would last for three years.[31] Henry Ward Beecher had been having an affair with Elizabeth Tilton. She was the wife of editor Theodore Tilton, Woodhull's 1871 biographer who was rumored to be her lover.[32] Beecher practiced free love but did not preach it. Weary of her endless demonization in the public press (including a vicious caricature courtesy of Beecher's sister, Harriet Beecher Stowe), Woodhull condemned Beecher in the pages of *Woodhull*

---

[27] Richard Wightman Fox, Trials of Intimacy: *Love and Loss in the Beecher-Tilton Scandal*, (Chicago: the University of Chicago Press, 1999), 21.
[28] Ibid.
[29] Stern, "Biographical," 1.
[30] Foner, *Reconstruction*, 520.
[31] Joanne E. Passet*, Sex Radicals and the Quest for Women's Equality*, (Urbana: University of Illinois Press, 2003), 98-99.
[32] Theodore Tilton, *Victoria C. Woodhull: A Biographical Sketch,* (New York: Golden Age, 1871). Tilton's biography of Woodhull is an exercise in hagiography and of minimal historical interest.

and Claflin's Weekly not for adultery but hypocrisy.[33] Comstock arrested the sisters for sending obscene material through the mail, the obscene material being the article.

Woodhull and Tennie spent weeks in jail.[34] This was but the first in a series of arrests and rearrests, trials and retrials climaxing in the 1875 six month long Tilton-Beecher trial which ended in a hung jury, leaving Beecher's status undiminished and Tilton a broken man.[35] Because Beecher, the Tiltons and of course Woodhull were all associated in the public mind with leadership roles in woman suffrage, that movement was set back for decades. As for Victoria, among the women's rights advocates only the most radical of the Spiritualists still supported her, although her fame and ability to draw huge crowds to her lectures remained undiminished, even enhanced.[36]

In 1877, Vanderbilt died, bequeathing his huge estate primarily to his son William.[37] Vanderbilt's other children immediately contested the will. Speculation at the time suggested that William was fearful of the sisters testifying to Vanderbilt's affinity for clairvoyants and magnetic healers, thereby calling into question his state of mind when the will was written.[38] In order to protect his inheritance, William allegedly paid the sisters a substantial sum to leave the country. Whatever the reason, Victoria, Tennie and the two children (Blood no

[33] Passet, *Sex*, 98-99
[34] Ibid.
[35] Ibid
[36] Ibid, 100.
[37] Gabriel, *Notorious*, 245.
[38] Ibid.

longer being present) departed for England, where Woodhull would experience a very different kind of life.[39]

For the next half century Woodhull resided in England, only briefly visiting America. In England she found peace in a companionate marriage to John Biddulph Martin, the wealthy scion of a banking family whose firm predated the Bank of England. Tennie married merchant Francis Cook, and became Lady Cook.[40] Woodhull still lectured. Martin determined to marry her, in fact, after witnessing one of her first lectures in England, on the perfection of the human body, in December, 1877. The couple married on October 31, 1883.[41] Woodhull again published a newsletter from 1891 to 1902, this time a monthly, *The Humanitarian*.

This publication was solely her work; she was long since divorced from Blood and estranged from Tennie. The newsletter consisted primarily of Woodhull's essays on a variety of subjects, reflecting her great interest in eugenics and women's economic independence. Daughter Zulu was associate editor.[42] In her comfortable new life in which she and her children were well cared for, Woodhull never returned to the subject of free love, renounced her previous views, and went so far as to deny having said or written some of her most controversial statements.[43]

After Martin's death in 1897, Woodhull sold their London mansion and retreated to the country, where she lived out her life as a wealthy lady of the

[39] Ibid., 246.
[40] Stern., "Biographical," 9.
[41] Ibid.
[42] Ibid.
[43] Gabriel, *Notorious*, 253.

manor, a far cry from her most humble of beginnings. Woodhull remained active until her death founding a number of organizations pertaining to the interests of women, such as the Women's Agricultural Club and the Women's Aerial League of England. She died on June 10, 1927.[44]

During her years as a famous woman in America Victoria Woodhull delivered three major speeches on free love. The speeches were later reprinted in *Woodhull & Claflin's Weekly* and distributed in pamphlet form. The first speech, "The Principles of Social Freedom," was delivered in Steinway Hall, New York, on November 20, 1871, and repeated in the Music Hall in Boston on January 3, 1872. The second speech, "Scarecrows of Sexual Slavery," was delivered in Silver Lake, Massachusetts on August 17, 1873 at a camp meeting of fellow Spiritualists. The final speech, "Tried as by Fire; or, The True and The False Socially" was delivered in towns and cities throughout America, primarily in 1874.

Woodhull advocated for nothing less than an entirely new social order**.** In her Steinway Hall speech, Woodhull declared her unequivocal opposition to the institution of marriage and her unshakable conviction that the marriage contract was the death of personal freedom and social progress.[45] She reprinted the speech in *Woodhull & Claflins' Weekly*, (Aug. 16, 1873), trumpeting it as "the first distinct announcement of the doctrines upon which the new social order will be

[44] Stern, "Biographical," 10.
[45] Historian Ann Braude has observed that "Probably the nineteenth–century figure most closely associated with free love is Victoria Woodhull. Her extreme antimarriage position, however, was not typical of free love advocates." Ann Braude, *Radical Spirits: Spiritualism and Women's Rights in Nineteenth-Century America*, (Bloomington: Indiana University Press, 2001, 136.

founded-perfect individual sexual freedom, to be regulated by education instead of law."[46]

Woodhull's speeches about the marriage question and women's rights contained a great deal of revolutionary rhetoric, but it is noteworthy that these radical ideas emerged during the Reconstruction era, a time when traditional assumptions on issues fundamental to American society were questioned. As historian Leslie Butler noted**,** "The massive upheaval of the 1860's did mobilize and transform American thought."[47] She cites British political philosopher John Stuart Mill in this regard. Mill observed that, "The great concussion which has taken place in the American mind, must have loosened the foundations of all prejudice, and secured a fair hearing for impartial reason on all subjects."[48] Butler asserted that Reconstruction represented nothing less than a "revolutionary moment when America's first principles were up for grabs."[49] Woodhull's participation in the marriage question debate was typical of feminists in this era, but her most radical ideas were uniquely her own.

---

46 Victoria Woodhull, "The Principles of Social Freedom," in *The Victoria Woodhull Reader*, ed., Madeleine B. Stern (Weston, M & S Press, 1974), opposite title page.
47 Leslie Butler, "Reconstructions in Intellectual and Cultural Life," in *Reconstructions: New Perspectives on the Postbellum United States,* ed. Thomas J. Brown (New York: Oxford University Press, 2006), 172-173.
48 Ibid., 172
49 Ibid., 173

It is impossible to understand the nature of Woodhull's ideas on the marriage question without first understanding her thinking on the issues of personal freedom, the rights of the individual and the responsibilities of government. The first portion of her landmark "Principles" speech is devoted precisely to that subject. Woodhull's views reflect the language of the Declaration of Independence. She declared that all individuals are "born free and equal and entitled to certain inalienable rights, among which are life, liberty and the pursuit of happiness."[50] In addition she argued that the function of government is purely and simply to protect those rights, such protection contingent upon each individual being restrained from interfering with the rights of others.[51]

Woodhull was not an anarchist, however. She could fairly be described as a utopian who incorporated many libertarian and communist ideas into her vision for a new government. Woodhull set up a dichotomy between absolutism and individual sovereignty and deemed the latter the natural law of religion, politics, and social relations. Freedom, according to Woodhull, is the proposition that "each and every individual has the right in his or her own proper person to make such use of any or all his powers and capacities as he or she may elect to do."[52] This principle of self-ownership is fundamental to Reconstruction-era feminist thinking.

---

[50] Woodhull, "The Principles," 6.
[51] Ibid. 7.
[52] Victoria Woodhull, "The Scare-Crows of Sexual Slavery" in Michael W. Perry, ed., *Free Lover: Sex, Marriage and Eugenics in the Early Speeches of Victoria Woodhull* (Seattle: Inkling Books, 2005), 6.

Woodhull and other women's rights leaders of her day argued that the long- established, nineteenth-century legal and cultural norms permitting coverture and marital rape represented a profound violation of a woman's right to own herself.[53] As early as 1853, Elizabeth Cady Stanton expressed this sentiment in a letter to her friend and fellow suffragist Susan B. Anthony when she wrote, "I feel, as never before, that this whole question of women's rights turns on the pivot of the marriage relation, and, mark my words, sooner or later it will be the topic for discussion."[54] Just two years later, in a public letter to a leading abolitionist, Stanton privileged a woman's right to her own person over voting rights, property rights, and public speaking rights.[55]

Throughout the Reconstruction era feminist leaders were virtually unanimous in their assertion that the marriage contract as it stood was fundamentally flawed. This was true even of feminists adamantly opposed to divorce. Marital law at that time had been influenced to a large degree by both Christian ideology and English common law. According to historian Nancy Cott, laws adopted by the states included the common law concept that "a woman was absorbed into her husband's legal and economic persona upon marrying, and her husband gained the civic presence she lost. Marriage decisively

---

53 Jill Elaine Hasday, "Contest and Consent, A Legal History of Marital Rape," *California Law Review* 88 (Oct.2000), 1416.
54 Stanton to Anthony, "1 March1853", in *The Elizabeth Cady Stanton-Susan B. Anthony Reader: Correspondence, Writings, Speeches*, ed. Ellen Carol Dubois, (Boston: Northeastern University Press, 1992), 48.
55 Hasday, "Contest," 1419.

differentiated the positions of husband and wife."[56] Even a single woman, as a potential wife, was similarly treated as lacking civil independence.[57] This was the understanding of marriage relevant to the public marital debate engaged in by feminists and legal scholars throughout the Reconstruction era.

Woodhull defined marriage in a radically different way. She framed her argument by setting up another dichotomy, this time between "man's law" and "nature's law," which she referred to as "love". She posed several questions detailing the possible intersections of marriage, law, and love. These questions included the following:

> Is it (marriage) principle of nature outside of all law, or is it a law outside of all nature? Where is the point before reaching which it is not marriage, but having reached which it is marriage? Is it where two meet and realize that the love elements are harmonious and that they blend into and make *one* purpose of life? Or is it where a *soulless form* is pronounced over two who know *no* commingling of life's hopes? Or are *both* these processes required- first the marriage union *without* the law, to be afterward solemnized *by* the law?[58]

Woodhull insisted that marriage was most assuredly a principle of nature's law, and the sexual union of men and women inspired by mutual attraction was marriage. "True marriage," she observed, "must in reality consist entirely either of love or law."[59] Woodhull privileged nature's law over man's law only in this instance. When she testified before the House Judiciary Committee on behalf of

---

56 Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2002), 7.
57 Ibid.
58Woodhull, "The Principles," 13-14.

59 Ibid.

woman suffrage in January, 1871, Woodhull cited Constitutional law as her authority.

Woodhull left no doubt on where she stood on this issue. She considered love infinitely superior to law, and insisted that if "love have anything to do with marriage, than law has nothing to do with it."[60] More pointedly, she disavowed any possible, useful linkage between marriage and law when she stated "to love is a right higher than Constitutions or laws. It is a right which Constitutions and laws can neither give nor take and with which they have nothing whatsoever to do, since in its very nature it is forever independent of both Constitutions and laws…. There is no virtue in law."[61]

These remarks represented the core of Woodhull's thinking on the marriage contract. Her ideas derived naturally from her thinking on "social freedom," another appellation for free love. Woodhull argued that sex was at the core of being, that women were sexual beings in exactly the same sense as men, that marriage was a social evil perpetrated by men, that women should be free to love or not love as they saw fit, regardless of religious or legal authority.[62]

During the course of her "Principles" speech, Woodhull made her infamous, widely circulated and wildly misinterpreted statement, "Yes, I Am a Free Lover. I have an *inalienable*, *constitutional* and *natural* right to love whom I may, to love as long or a short a period as I can; to change that love every day if

[60] Ibid.
[61] Ibid., 16.
[62] Helen Lefkowitz Horowitz, "Victoria Woodhull, Anthony Comstock, and Conflict over Sex in the United States in the 1870s,"*The Journal of American History*, 87 (Sep. 2000) 415-416.

I please."[63] Contrary to popular press opinion, Woodhull was not endorsing promiscuity as a life style, simply the right to choose it.[64] As to her own life, free love to Woodhull meant simply a woman's right to her own body, or put another way, the right to say no, the foundational idea of what her fellow feminists called "voluntary motherhood."[65]

Woodhull was well aware of the radical perception of her ideas and the low esteem in which she was held by a significant segment of the public at the time of the "Principles" speech. This public perception of her was due partly to her radical ideas and unconventional lifestyle and partly to the efforts of a scandal-hungry press. Although she was not hesitant to cite examples of marital abuse inflicted on blameless women in the "Principles" speech, she included in her presentation at least some empathy towards women who were reluctant to abandon marriage.[66] (Later she would not be so understanding or accepting of marriage.)

Woodhull also acknowledged the powerful appeal of legal marriage to many women, based on two cultural factors. One factor was the weight of tradition, societal, religious and legal, which resulted in near complete community support for marriage and condemnation of those who resisted. A second factor was that in a society where economic opportunity for women was severely limited, the force of legal contract was perceived as essential in order to insure

[63] Woodhull, "The Principles," 23.
[64] Ibid.
[65] Voluntary motherhood served as the nineteenth-century name for what we now call birth control.
66 Woodhull, "The Principles", 41.

that husbands protected their wives and children.[67] In the "Principles" speech, she did not directly address these cultural factors. Instead, she offered a glimpse of her utopian vision for a society in which these cultural factors were no longer in play. Woodhull informed her audience, *"I believe in love with liberty; in protection without slavery in the care and culture of offspring by new and better methods*….I believe in the family, *spiritually constituted*….I believe in the most wonderful transformation of society as about to come." She exclaimed, "My whole nature is prophetic" and pleas for understanding as a lover of humanity seeking a better world.[68]

As noted above, while the philosophical underpinning of Woodhull's view of the marriage contract rested on the concept of individual sovereignty as articulated in the Declaration of Independence, the emotional underpinning of Woodhull's presentation of her view originated in her life experience as a young woman growing up in antebellum Ohio. It is not surprising that Woodhull's free love writings and speeches course with the emotion of a woman who had not only witnessed the dark side of nineteenth-century marriage, she had lived it.

The emotion in so many of her speeches is palpable even on the written page. One can only imagine the impact in an auditorium. No wonder many skeptics became believers.[69] Woodhull asked, in the "The Principles of Social Freedom" speech, "What can be more terrible than for a delicate, sensitively organized woman to be compelled to endure the presence of a beast in the

[67] Ibid. 41.
[68] Ibid. 42. Emphasis Woodhull's.
[69] Passet, Sex, 103.

shape of a man, who knows nothing beyond … blind passion and the … delirium of intoxication?"[70] Her free love speeches are loaded with similar rhetoric.

In the "Principles" speech, she observed that for so many young, formerly "loving-natured women, life became a burden almost too terrible to be borne, and thousands of pallid cheeks, sunken eyes, distorted imaginations and diseased functions testify too directly … to their real cause."[71] That cause, according to Woodhull, was the sexual abuse of young women perpetrated by their husbands. In common with other radical feminists of the Reconstruction era, Woodhull used the metaphor of sex slavery to convey her outrage.

By comparing marriage to chattel slavery, Woodhull invoked a powerful image that was certain to be meaningful to a northern audience. The nation had debated slavery for decades, and engaged in four years of horrific civil war to resolve the issue. It was uncertain to what degree the principles underlying slave emancipation applied to other social relations. Yet, as legal scholar Jill Elaine Hasday has pointed out, "it was clear that other status relations would be more vulnerable the more they were understood to resemble slavery."[72] For that reason, Woodhull made ample use of the slavery metaphor in her attacks on marriage.[73]

---

[70] Woodhull, "The Principles," 36.
[71] Ibid.
[72] Hasday, "Contest," 1444.
[73] The slavery metaphor was also commonly employed by nineteenth century labor leaders and the labor press, as in the term "wage slave," which first appeared in the antebellum period. Historian Lawrence B. Glickman reminded readers of *A Living Wage* that such usage of the metaphor continued for decades after the end of the war.

Even before the war, many nineteenth-century white women's rights advocates perceived life as a married woman to be akin to chattel slavery.[74] However, they consistently presented marriage as a lessor form of oppression than chattel slavery. Decades later, Woodhull would argue the opposite.[75] Furthermore, antebellum white women's rights advocates were hesitant to publicly confront issues of sexual terror. Historian David Roediger has observed that this reluctance "left much space in women's rights discourse for the slave woman's imperiled body to stand in for consideration of white women's vulnerability to sexual coercion and terror."[76] Woodhull would show no such reluctance decades later in her August 17, 1873 speech on "The Scarecrows of Sexual Slavery," delivered at a Spiritualist meeting in Silver Lake, Massachusetts.[77]

Instead, Woodhull reminded her listeners that "marriage licenses sexuality, while nothing else does; and the horrors that are practiced under this license are simply demonical…there is nothing else but marriage that licenses a man to debauch a woman against her will."[78] She remembered that "many are the tales of horror and brutal violence that have been related of negro slavery, where the lash of the driver was depicted until their hearers almost felt its stings

[74] David R. Roediger, "White Slavery, Abolition, and Coalition: Languages of Race, Class and Gender," in *Colored White*: *Transcending the Racial Past* (Berkeley: University of California Press, 2002), -115.
[75] Ibid., 117.
[76] Ibid., 118.j
[77] Spiritualism was a religious movement of importance in nineteenth century America, and Woodhull was the titular head of the national Spiritualist organization. Its distinguishing feature was the belief that the living can communicate with the spirits of the dead. Victoria insisted that her life was guided by particular spirits.
[78] Woodhull, "Scarecrows," 18.

in their own flesh, and almost the red streams flowing down their own backs."[79]

Woodhull then addressed her female listeners directly, saying:

> You are the sexual slaves of your husbands, bound by as terrible bonds to serve them sexually as ever a negro was bound to serve his owner, physically; and if you don't quite believe it, go home and endeavor to assert your freedom… lashes of some sort will surely be dealt…even to compelling you to submit by force.[80]

Woodhull went so far as to say:

> All the suffering of all the negro slaves combined is as nothing in comparison to that which women, as a whole, suffer. There were several millions of negro slaves. There are twenty millions of women slaves … dependent upon men for their sustenance as were the negroes upon their masters, lacking the interest that they had in the negroes as personal property.[81]

Woodhull was quick to point out in this speech and elsewhere that not all women at all times were subjected to violence from their husbands, any more than all slaves at all times were subjected to violence from their masters. Nonetheless, she insisted that incidents were frequent enough and horrific enough to justify the war against slavery and the war against marriage that she championed. She declared:

> They say I have come to break up the family, I say amen to that with all my heart. I hope I may break up every family in the world that exists by virtue of sexual slavery, and I feel that the smiles of angels … will give me strength to brave all opposition, and to stand even upon the scaffold, if need be, that my sisters all over the world may be emancipated, may rise from slavery to the full dignity of womanhood.[82]

Woodhull than declared that for her slave labor would be preferable to slave marriage. As she put it, "For my part I would rather be the labor slave of a

[79] Ibid., 19.
[80] Ibid.
[81] Ibid.
[82] Ibid., 21.

master, with his whip cracking continually about my ears, my whole life, than the forced sexual slave of any man a single hour."[83] Woodhull chose not to address the fact that many slave women were both.

Throughout the Reconstruction era, the metaphor of slavery retained its power. Feminists typically sought to exploit that power as a tool to achieve contract freedom, thereby achieving the redemption of marriage. Woodhull, in her free love speeches and writings, sought to exploit that same power to end marriage altogether.

Woodhull employed a second metaphor in her attack on the marriage contract: the metaphor of prostitution. As was the case with the public debate over the marriage contract, Reconstruction-era feminists were heavily engaged in the debate over prostitution, often referred to as the "social evil," and eager to connect the two concepts. Prostitution was a subject intimately bound up with notions of slavery and freedom, wage labor and the marriage contract. On the one hand, the prostitute complied with the law of the market, in the sense that she freely exchanged sexual labor for money. On the other hand, she violated the law of marriage, which presumed that exchanging sex for subsistence was an option available only to wives.[84]

Prostitution had been a matter of public concern for decades, but the end of slavery intensified that concern for two reasons. First, the sheer number of

---

[83] Ibid., 20.

[84] Amy Dru Stanley, *From Bondage to Contract,* (Cambridge: Cambridge University Press, 1998), 218-227. According to Stanley, the increase in the number of prostitutes was difficult to quantify or account for. Perhaps the most likely explanation was what she termed "postbellum capitalist crisis," the economic dislocations resulting in high unemployment, low pay, and terrible working conditions for the working class, compounded for women by fewer work options and the scarcity of men willing and able to support them.

streetwalkers in the major cities increased to the point that as a moral and practical matter prostitution became an issue of state interest, resulting in efforts to legalize the trade.[85] Second, it called into question the ideal of contract freedom already achieved by freedmen and avidly pursued by feminists. Post-emancipation prostitution suggested that free market relations could not only pollute the public space but jeopardize the sanctity of the private space, the home, since it no longer represented a protected space for sexual intimacy.[86]

Feminists understood, of course, that woefully limited economic opportunities pushed many women - single and married alike - into prostitution. To them, if the alternatives were wage labor with below-subsistence wages and deplorable working conditions, begging, or literally starving, walking the streets was somewhat understandable. Yet many feminists understood prostitution as comparable to marriage slavery and with the same cause: male domination of women. The argument that marriage was closely related to prostitution reverberated throughout feminist ideology of the time and Woodhull had a great deal to say on the subject on her 1873-1874 tour.[87]

Woodhull initially became a public speaker primarily to defend herself against the popular press and to promote her radical agenda, income earned being secondary. She was, after all, a wealthy woman at the time of the "Principles" speech. But her participation in the Beecher-Tilton scandal had cost her dearly. By 1873, having lost her home, brokerage business and newspaper, she went bankrupt - shortly before the country found itself mired in the Financial

[85] Ibid. 219-220.
[86] Ibid., 219.
[87] Ibid., 256-260.

Panic of 1873, at that time referred to as the "Great Depression," which ushered in the longest period of continuous economic contraction in the history of America.[88]

Woodhull chose to take advantage of her notoriety and undeniable public speaking ability and go on tour. As one historian noted, the fact that the Beecher-Tilton scandal had become the "media event of the century" only served to increase the public appetite for hearing Woodhull speak.[89] The Great Depression certainly did nothing to limit her appeal. During 1873-1874 she gave her "Tried as by Fire; or The True and The False, Socially" speech, the last in her trilogy of radical free love speeches, for one hundred and fifty consecutive nights to a total audience of a quarter of a million people.[90]

Woodhull's "Tried as by Fire" speech is an emotionally charged, profoundly personal rendering of what by now were familiar themes in her addresses: the nature of the marriage contract, individual sovereignty, free love, prostitution and the maternal function. Her language was more inflammatory than ever. She exclaimed:

> The marriage law is the most damnable Social Evil bill- the most consummate outrage that was ever conceived….Of all the horrid brutalities of this age, I know of none so horrid as those that are sanctioned and defended by marriage…. millions of poor, heart-broken women are compelled to minister to the lechery of insatiable husbands,

[88] Foner, "Reconstruction," 512.
[89] Amanda Frisken, *Victoria Woodhull's Sexual Revolution*, Political Theater and the Popular Press in Nineteenth Century America(Philadelphia: University Pennsylvania Press, 2004),120.
[90] Victoria Woodhull. "Tried as by Fire; or the True and the False, Socially" in Madeline B. Stern, ed., *The Victoria Woodhull Reader* (Weston: M & S Press: 1979), Title Page.

> when every instinct of body and sentiment of soul revolts in loathing and disgust.[91]

In this speech, Woodhull discussed prostitution as it related to the marriage contract in greater depth than she had previously. Woodhull not only rejected prima facie the legitimacy of marriage by law, she was clearly more sympathetic to prostitutes than to married women. Key to understanding Woodhull's viewpoint regarding prostitution is understanding how she conceptualized prostitution both as the exchange of money for sexual services and in a much broader sense, all sexual activity that does not have a basis in love.

According to Woodhull, prostitution was not defined by where the sexual act takes place, be it within marriage or at a brothel. It was defined by the presence or absence of proper sexual conditions which Woodhull readily defined. As she described it, "sexual commerce that is based upon reciprocal love and mutual desire, and that ultimates (sic) in equal and mutual benefit is proper…while improper sexual commerce is that which is not based upon reciprocal love and mutual desire, and that cannot, therefore, ultimate (sic) in equal or mutual benefit."[92] That statement is consistent with the ideas she articulated in her "The Principles of Social Freedom" speech two years earlier.

Clearly both institutions, prostitution and marriage, betray the Woodhullian notion of proper sexual conditions. Indeed, in Woodhull's view, not only most married women but most married men could fairly be deemed prostitutes. Her

---

91 Ibid., 8.
92 Ibid., 15

analysis of the behavior and character of married men, married women and prostitutes offered clear and meaningful distinctions. Woodhull acidly observed that marriage was "a sharp trick played by men upon women."[93] After all, married men had a choice. If funds were sufficient, they could avail themselves of the sexual services of both prostitutes and legal prostitutes, their wives. However, when funds were limited, married men could satisfy their sexual needs using their wives at no cost. In fact, according to Woodhull, the cost saving was precisely the reason many men married in the first place.

For the first time in a major speech, Woodhull explicitly denounced the lawyers and priests whose greed inspired them to maintain a system that threatened those who refused to participate with dire legal or social consequences. She spoke of "the hypocritical priests who get their fees for forging the chains and the blackguard lawyers who get bigger ones for braking the fetters…. a thousand dollars a year for the priests! Of course Marriage is divine! A thousand dollars of years for the lawyers! Of course virtue must have a legal standard."[94] Woodhull was alternately romantic and realistic in her vision of the world, and never by half measures.

Woodhull then directly condemned married, Christian women for their willingness to abide by the marriage contract and without a touch of the sympathy she expressed in her "Principles" speech. She stated:

> I know hundreds of wives who confess that they would not live another day with their husbands if they had any other method of support; and yet pass the poor prostitute as though her touch were leprous. As between the two, the legal prostitute is the more depraved at heart…Why should

[93] Ibid., 19.
[94] Ibid., 14.

> Christian *women shun the outcasts of society* of society! The Master, whom they profess, habitually made them His companions. What excuse can they offer for a departure from His example? None! [95]

In a subsequent passage, Woodhull satirized the summer rituals in which high society's elite ladies, whom she termed "mercenary mamas," eagerly sold their daughters into a marriage to the highest bidder, questions of character or even health notwithstanding. As she put it, "To him who bids highest, in the parlance of the auctioneer, the article is knocked down."[96]

Woodhull detested hypocrisy. Her outing of Beecher was inspired by his hypocritical attacks on her, not his adultery, which mattered to her not at all. The fact that he was a free lover who would not stand with her, and instead joined in the condemnation of her mattered a great deal. Woodhull fiercely condemned the hypocrisy of the marriage contract. She stated "I respect and honor the needy woman who, to procure food for herself and child, sells her body to some stranger for the money: but for that legal virtue which sells itself for a lifetime for a home, with an abhorrence of the purchaser and which at the same time says "I am holier than thou," I have only the supremist (sic) contempt."[97] At least in her public utterances, Woodhull appeared to consider hypocrisy the one unforgivable sin.

Woodhull was well aware that her fierce antimarriage rhetoric would necessarily inspire the question, what about the children? Her 1870 newspaper prospectus advocated for a new social order in which society would be

[95] Ibid., 20.
[96] Ibid., 20.
[97] Ibid., 20.

responsible for the care of children if individuals failed in their parental duties.[98] By the occasion of her 1873 speech, "The Scarecrows of Sexual Slavery," she no longer qualified her idea. Woodhull declared that in the name of the public interest society should assume all responsibility for the raising of children.[99] Her thinking on this issue was heavily influenced by the disturbing degree of infant and child mortality in nineteenth-century America, nineteenth-century discourse on heredity, and personal experience.

Although precise data on infant and child mortality in nineteenth-century America is not available, scholars believe that rates remained ominously high until late in the nineteenth century.[100] As late as 1891, Woman's Christian Temperance Union (WCTU) leader Francis Willard put the mortality rate for children under the age of five at one third.[101] In her 1873 "Slavery" speech, Woodhull put the figure at one half, and research suggests that was a legitimate claim at that time**,** at least in cities, in pioneering communities in the West, and in the South. An array of infectious diseases, and intestinal infections were the cause.[102] But in the nineteenth century an alternative explanation of childhood mortality that had implications for Woodhull's theories arose out of the theories of the French scientist, Jean-Baptiste Lamarck.[103]

---

[98] Woodhull, "The Prospectus."
[99] Woodhull, "The Scarecrows," 13.
[100] Jack Larkin, ""No Force Can Death Resist": Reflections on Child and Infant Mortality in American History," (Papers and Archives: OSV Research paper, 2000), 2.
[101] Wendy Hayden, *Evolutionary Rhetoric: Sex, Science and Free Love in Nineteenth-Century Feminism*, (Carbondale: Southern Illinois University Press, 2013). 172.
[102] Larkin, "No Force," 2.
[103] Hayden, *Evolutionary*, 171-173.

Lamarck was the dominant theorist of heredity throughout much of the nineteenth century.[104] In his landmark 1809 book, *Zoological Philosophy*, Lamarck proposed that acquired characteristics could be passed on to future generations.[105] The theory of inheritance of acquired characteristics was thoroughly discredited at the end of the nineteenth century, but when it was in vogue it heavily influenced Woodhull's early thinking on genetics, then called stirpiculture, and her ideas about the necessity for an entirely new social order.

Woodhull's own experience with marriage and motherhood also profoundly affected her ideas about childrearing in society. In her "Tried as if by Fire" speech she agonized:

> Wherever I go I carry a living corpse in my breast, the vacant stare of whose living counterpart meets me at the door of my home. My boy, now nineteen years of age, who should have been my pride and joy, has never been blessed with the dawn of reasoning. I was married at fourteen, ignorant of everything that related to my maternal functions. For this ignorance, and because I knew no better than to surrender my maternal functions to a drunken man, I am cursed with this living death.[106]

Woodhull's free love speeches are notorious for their frank discussion of female sexuality and marital rape. Yet every speech also includes important discussion of the maternal function.

Woodhull was not unsympathetic to the feelings of mothers as she argued for state control of children. A mother herself, she understood the uniqueness of a mother's love for her child.[107] Yet Woodhull reluctantly concluded that the great majority of mothers had failed society in the most fundamental of ways by their

[104] Ibid., 173.
[105] Ibid., 172.
[106] Woodhull, "Tried," 27.
[107] Ibid.

complicity in a sexual system that denied women even a minimal amount of sexual knowledge or freedom, and left them incapable of educating their children in sexual matters.

In her “Scarecrows” speech Woodhull used the inflammatory, confrontational language characteristic of her attacks on marriage to make her point. She advised skeptics of her new social order to “Go ask the fifty thousand homeless, half starved, wholly untaught children of New York city, who live from the swill-barrels of the rich Christians, what is becoming of them, and they will tell you they don’t know. But it will be plain to be seen that they are going to the bad, surely.”[108]

Woodhull wanted a social revolution, and was clear on the ordering of that revolution. The marriage question would be revolutionized by the replacement of state and church-sanctioned marriage with new sexual and educational systems in which women, educated to the same degree as and economically independent of men, would rule in the domain of sex, exercising absolute control over their sexual and maternal functions. The child question would be revolutionized by the implementation of those systems, assuring that all children, born of love, received equal preparation for all the responsibilities and opportunities of citizenship. Parental control of children would be replaced by societal control.

Woodhull understood that the latter statement represented her single most revolutionary idea. As she observed, “To say that children do not belong to their parents, is to attack a supposed right that has existed from time immemorial

[108] Ibid., 10-11.

and to call down upon the head of the attacking party the reprobation even of radicals."[109] Woodhull envisioned a world where during gestation and lactation, women would be treated with the utmost care (and paid the highest wages!). Upon completion of lactation, the state would assume control of the child, and the mother would return to the workforce in her prior capacity.[110] Woodhull's task would be to persuade mothers that the true expression of the divine love of a mother for her child would be her desire for the best possible life for that child.[111] In a world where mortality rates for children under five were stunningly high, where women endured all manner of hardship in marriage and minimal civil rights in society at large, Woodhull at least presented an alternative.

One-hundred-and fifty years after her departure for England and eighty-six years after her death, Victoria Woodhull's place in history remains underappreciated. It is true that her campaign for the end of state and church-sanctioned marriage ultimately failed to resonate with either organized feminist reformers or the general public, and her proposal for state control of children, as she noted, failed to gain support even amongst radicals. Much of her thinking incorporated discredited pseudo-scientific theories of the day, such as the theory of acquired characteristics.

Yet Woodhull's larger argument for sexual, educational and economic equality for women oppressed by a patriarchal social order resonated with many of her listeners and readers. In the context of the great Reconstruction era debates about the woman question, Woodhull advocated with uncommon

[109] Woodhull, "The Scarecrows," 12.
[110] Ibid., 12.
[111] Ibid., 13.

passion for freedom from marital rape, sex education for girls, and educational and economic opportunity for all women. Referencing statements she had made about sexual subjects, Woodhull declared in “Tried by Fire”: “If I do nothing else I know that I have awakened investigation of this subject. If all I have said is error: if the truth lies in altogether different directions from those in which I point, out of the discussion now going on the truth will be evolved.”[112] Victoria Woodhull’s free love speeches and writings made a unique and valuable contribution to the Reconstruction era public discourse on the marriage question, the child question and the social order.

[112] Ibid., 34.

Bibliography

Butler, Leslie, “Reconstructions in Intellectual and Cultural life” in *Reconstructions*, ed.Thomas F. Brown, 172-205, Oxford: Oxford University Press, 2005.

Braude, Ann. *Radical Spirits: Spiritualism and Women’s Rights in Nineteenth-Century America*. Bloomington: Indiana University Press, 2001.

Cott, Nancy F. *Public Vows: A History of Marriage and the Nation.* Cambridge: Harvard University Press, 2000.

Frisken, Amanda. *Victoria Woodhull’s Sexual Revolution: Political Theater and the Popular Press in Nineteenth-Century America.* Philadelphia: University of Pennsylvania Press, 2004.

Foner, Eric. *Reconstruction: America’s Unfinished Revolution, 1863-1877.* New York: Harper Collins, 2002.

Fox, Richard Wightman. *Trials of Intimacy: Love and Loss in the Beecher-Tilton Scandal*. Chicago: The University of Chicago Press, 1999.

Gabriel, Mary. *Notorious Victoria: The Life of Victoria Woodhull, Uncensored.* Chapel Hill: Algonquin Books, 1998.

Glickman, Lawrence B. *A Living Wage: American Workers and the Making of a Consumer Society.* Ithaca: Cornell University Press, 1997.

Gutierrez, Cathy, “Sex in the City of God: Free Love and the American Millennium, *“Religion and American Culture: A Journal of Interpretation*, 15, (2005): 187-208.

Hasday, Jill Elaine, “Contest and Consent: A Legal History of Marital Rape,” *California Law Review*, 88, (2005): 1373 – 1507.

Hayden, Wendy. *Evolutionary Rhetoric: Sex, Science, and Free Love in Nineteenth-Century Feminism.* Carbondale: Southern University Press, 2013.

Horowitz, Helen Lefkowitz, “Victoria Woodhull, Anthony Comstock and Conflict over Sex in the United States in the 1870’s,” *The Journal of American History*, 8 (2000).

Larkin, Jack, “No Force can Death Resist: Reflections on Child and Infant Mortality in American History,” (Papers and Archives: OSV Research Paper, 2000).

Passet, Joanne E. *Sex Radicals and the Quest for Women’s Equality.* Urbana: University of Illinois Press, 2003.

Roediger, David R. “White Slavery, Abolition and Coalition: Languages of Race, Class and Gender, in *Colored White: Transcending the Racial Past* (Berkley: University Of California Press, 2002), 103-120.

Stanton, Elizabeth Cady, “Stanton to Anthony. 1 March 1853,” in Ellen Carol DuBois, ed. The *Elizabeth Cady Stanton-Susan B. Anthony Reader: Correspondence*, *Writings, Speeches*, (Boston, Northeastern University Press, 1992), 48.

Stanley, Amy D. *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation.* New York: Cambridge University Press, 1998.

Stern, Madeleine, “Bibliographic Introduction,” in *The Victoria Woodhull Reader* ed. Madeleine B. Stern, 1-11. Weston: M & S Press, 1974.

Stiles, T. J., *The First Tycoon: The Epic life of Cornelius Vanderbilt*. New York: Alfred A Knopf, 2009.

Tilton, Theodore. *Victoria C. Woodhull: A Biographical Sketch*. New York: Golden Age, 1871.

Underhill, Lois B. *The Woman Who Ran for President: The Many Lives of Victoria Woodhull.* Bridgehampton: Bridge Works Publishing Co., 1995.

Woodhull, Victoria, “The Principles of Social Freedom,” in *The Victoria Woodhull Reader* ed. Madeleine B. Stern, 1-43, Weston: M & S Press, 1974.

Woodhull, Victoria, “The Scarecrows of Sexual Slavery” in *Free Lover*: *Sex, Marriage And Eugenics in the Early Speeches of Victoria Woodhull*, ed. Michael Perry, 1-25, Seattle: Inkling Books, 2005.

Woodhull, Victoria, “Tried as by Fire; or, the True and The False, Socially,” in *The Victoria Woodhull Reader*, ed. Madeleine B. Stern, 1-44, Weston: M & S Press, 1974.